

MAY 12 2005

Customer No.: 26308

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Nelson et al.

Docket No.: 9473.18020-FOR

Serial No.: 10/656,861

Examiner: Unknown

Filed: 6 September 2003

Group Art Unit: 3738

Title: Magnetic Force Devices, Systems, and Methods for Resisting Tissue Collapse within the Pharyngeal Conduit

**RENEWED PETITION FOR AN UNINTENTIONALLY
DELAYED BENEFIT CLAIM PURSUANT TO 37 C.F.R. §1.78**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



26308

PATENT TRADEMARK OFFICE

Dear Sir:

Applicant requests to amend the benefit claim under 35 U.S.C. §120 of the above-noted application, as follows in marked-up form:

This application claims the benefit is a continuation-in-part of co-pending United States Patent Application Serial No. 10/236,455, filed September 6, 2002 and entitled "Systems and Methods for Moving and/or Restraining Tissue in the Upper Respiratory System 10[;]" which is incorporated herein by reference and This application also claims the benefit of United States Provisional Patent Application Serial No. 60/441,639, filed January 22, 2003 and entitled "Magnetic Splint Device and Method for the Treatment of Upper Airway Collapse in Obstructive Sleep Apnea;" and the benefit of United States Provisional Patent Application Serial No. 60/456,164, filed March 20, 2003 and entitled "Device and Method for Treatment of Sleep

Related Breathing Disorders Including Snoring and Sleep Apnea, [J] which
are each incorporated herein by reference.

The priority claim has been amended to provide the relationship of related applications.

A preliminary amendment amending the priority claim as proposed is submitted herewith.

Applicant states that the entire delay between the date the claim was due under 37 C.F.R. §1.78 and the date the claim was filed was unintentional.

Applicant hereby petitions for acceptance of the unintentionally delayed benefit claim.

The requisite fee under 37 C.F.R. §1.17(t) was submitted on 2 November 2004.

Respectfully Submitted,

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10 May 2005

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Amended/100-2-FCR/050518 Reserved Pursuant Under 37 C.F.R. 1.78

Encls: Amendment A
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